

Attorney I.D. 6206202

JPS/AAV

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

VIRGIL SMITH, Individually, & )  
ADAM SMITH, through his legal guardian, )  
VIRGIL SMITH, )

Plaintiffs, )  
vs. )

PHOENIX SEATING SYSTEMS, LLC )  
d/b/a FALCON/LEBAC SYSTEMS, a )  
limited liability corporation, and )  
APRIA HEALTHCARE GROUP, INC., )  
a corporation, )

Defendants. )  
and )

PHOENIX SEATING SYSTEMS, LLC )  
d/b/a FALCON/LEBAC SYSTEMS, a )  
limited liability corporation, )

Defendant/Third Party Plaintiff, )  
vs. )

Case No. 09-568-GPM

VELO ENTERPRISE CO., LTD. and )  
RATTOX CORPORATION, )

Third Party Defendants, )

**DISCLOSURE OF EXPERT WITNESS**

COME NOW Third Party Defendants, VELO ENTERPRISE CO., LTD. and RATTOX CORPORATION, by and through their counsel, Sanchez Daniels & Hoffman LLP, and pursuant to Federal Rule of Civil Procedure 26(A)(2)(b), hereby disclose the following expert:

Robert M. Bruce, M.D.  
Pulmonary Diagnostic & Therapeutic Services, Inc.  
4625 Lindell Boulevard, Suite 507  
St. Louis, Missouri 63108-3927

In further accordance with Federal Rule of Civil Procedure 26(A)(2)(b), Third Party Defendants attach all reports prepared by Dr. Bruce, his CV, a publication list, and his fee schedule. (Bates-stamped BRUCE 0001 – 0007). Dr. Bruce has not been involved in other cases in the last four years.

s/Joseph P. Sullivan

**Signature**

Joseph P. Sullivan (ARDC: 6206202)

**SANCHEZ DANIELS & HOFFMAN**

Attorneys for Third Party Defendants

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Chicago, Illinois 60606

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jsullivan@sanchezdh.com

**PROOF OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of January, 2012, I served this Disclosure of Expert Witness by sending same via e-mail and U.S. Mail, postage prepared, to counsel of record as follows:

s/Joseph P. Sullivan

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Robert M. Bruce, M.D.  
Pulmonary Diagnostic & Therapeutic Services Inc.

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4625 Lindell Boulevard, Suite 507 St. Louis, Missouri 63108-3927 314-362-7276

January 17, 2012

Ross Titzer  
Williams Venker & Sanders LLC  
Bank of America Tower  
100 North Broadway  
21<sup>st</sup> Floor  
St. Louis, MO 63102

RE: Virgil Smith

Dear Mr. S. Titzer

I have reviewed the following records regarding Virgil Smith.

Deposition transcript of Virgil Smith;

Report and diagnosis of Dr. Peter Tuteru;

Opinions and reports of Dr. Elmer Rauckman;

Records of Dr. Son Le dated January 8, 2003, August 18, 2003, and  
October 28, 2003;

Records of Moulton/Prairie Heart Institute dated February 3, 2003;

Records of St. Joseph's Hospital dated August 23, 2003;

Records of Veteran's Affairs Medical Center ("VAMC-Marion) dated  
September 23, 2003, December 15, 2003, February 5, 2004, March 4,  
2004, March 15, 2004, January 19, 2007, March 11, 2008, April 6, 2009,  
November 24, 2009, December 10, 2009, May 11, 2010;

Records of Dr. Kurt Martin dated April 29, 2004, August 5, 2008,  
November 5, 2008, April 19, 2010;

Records of Dr. Sheffield Boardman dated April 2, 2009, August 19, 2009,  
August 24, 2009, and November 24, 2009;

Records of Harrisburg Medical Center dated October 31, 2009;

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Records of Memorial Hospital dated February 4, 2010 and May 21, 2010;

Records of Herrin Hospital dated February 5, 2010;

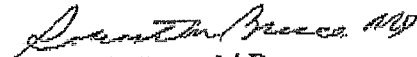
Records of Dr. Elizabeth Schupp dated February 18, 2010.

In addition I have obtained and reviewed tracings of each of the spirometric efforts as part of the Methacholine Challenge test performed at Washington University School of Medicine on Virgil Smith on February 16, 2011. I have reviewed the deposition of Peter G. Tuteur, M.D. from January 9, 2012.

Based on review of these materials and records it is my opinion that the methacholine challenge is the gold standard for the diagnosis of reactive airways disease. In reviewing the raw data, that is, the tracings from each of the spirometric efforts for the methacholine Challenge conducted on Virgil Smith on February 16, 2011 I conclude that the values reported on the final report are not correct. I disagree with the interpretation of a positive Methacholine Challenge.

I can not conclude with a reasonable degree of medical certainty that Virgil Smith meets the diagnostic criteria for reactive airways disease.

Sincerely your,



Robert M. Bruce, M.D.

RMB/ pmr

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# CURRICULUM VITAE

ROBERT MICHAEL BRUCE, M.D.

## **BORN:**

September 18, 1942 – St. Louis, Missouri

## **MARITAL STATUS:**

Married – Two children

## **EDUCATION:**

A.B., Washington University, 1964  
B.S., University of Minnesota, 1968  
M.D., University of Minnesota, 1968

## **POST-GRADUATE EDUCATION:**

1968 – 1969	Internship, Ward Medicine Service Barnes Hospital, St. Louis, Missouri
1969 – 1970	Residency, Ward Medicine Service Barnes Hospital, St. Louis, Missouri
1970 – 1972	Clinical Associate, Immunophysiology Section, Metabolism Branch, National Cancer Institute, National Institutes of Health, Bethesda, Maryland
1972 – 1974	Fellow in Pulmonary Medicine, Washington University Medical Center, St. Louis, Missouri

## **MILITARY SERVICE:**

1970 – 1972	Surgeon, United State Public Health Service, Honorable discharge, 6/27/72
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## **ACADEMIC POSITIONS**

1974 – 1980	Assistant Professor of Medicine, Washington University Medical Center, St. Louis, Missouri
1980 – 1994	Assistant Professor of Clinical Medicine, Washington University Medical Center, St. Louis, Missouri
1994 – 2003	Associate Professor of Clinical Medicine, Washington University Medical Center
2003 – Present	Professor of Clinical Medicine, Washington University Medical Center

## **Board Certification:**

1973	Internal Medicine
1974	Pulmonary Disease

## **Scholarships and Fellowships:**

1960 – 1964	Honor Scholarship, Washington University
1965	Summer Student Fellowship, Department of Psychiatry, Washington University Medical School
1965 – 1968	Minnesota Medical Foundation Honor Scholarship
1966	Minnesota Heart Association Fellowship Award
1972 – 1973	Ellen L. Boyce Fellowship in Pulmonary Medicine, Washington University Medical Center

## **HONORS:**

1964	Phi Beta Kappa
1967	Alpha Omega Alpha

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Robert Michael Bruce, M.D.  
Curriculum Vitae  
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1968	Mosby Award for Scholastic Excellence
1977 – 1978	Teacher of the Year, Department of Medicine, Washington University Medical Center
1982	Outstanding Teacher, Washington University Medical School, Class of 1984
2005	Community Scholar Award Barnes-Jewish Hospital and Washington University, Department of Medicine

**Societies:**

American College of Chest Physicians  
American Thoracic Society  
Barnes Hospital Society  
Barnes-Jewish Medical Staff Association  
Missouri Thoracic Society

**Elected Offices:**

1982 – 1985	Governing Council, Barnes Hospital Society
1982 – 1985	Governing Council, Missouri Thoracic Society
1984 – 1986	Vice President, Missouri Thoracic Society
1982 – 1988	Board of Directors, American Lung Association of Eastern Missouri
1986 – 1988	President, Joint Conference Committee, American Lung Association of Eastern Missouri and American Lung Association of Western Missouri
1988 – 1990	President, Missouri Thoracic Society
2002 – 2006	Staff Council, Barnes – Jewish Medical Staff Association
2006 – 2010	Staff Council, Barnes – Jewish Medical Staff Association
2010 – 2014	Staff Council, Barnes – Jewish Medical Staff Association

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# Bibliography

Robert Michael Bruce, M.D.

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**Bibliography**

**Robert, Michael Bruce, M.D.**

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01/18/2007

**BRUCE 0006**

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